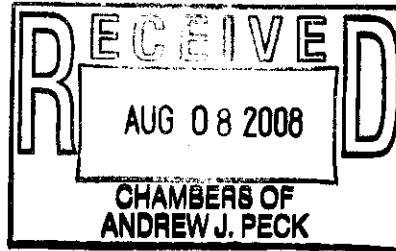


EDWARD D. FAGAN ESQ.*Five Penn Plaza, 23rd Floor, NY, NY 10001, Tel. (646) 378-2225**Email: faganlawintl@aim.com (Official Email Address for Court Documents)**Email: faganlaw.teachers@gmail.com (Email Address for Teachers4Action Case)*Via Fax

Hon. Victor Marrero USDJ
 United States District Court
 Southern District of New York
 500 Pearl Street, Chambers
 New York, NY 10007



August 8, 2008
 USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC#
 DATE FILED: 8/11/08

Re: Teachers4Action et al v. Bloomberg et al, 08-cv-548 (VM)(AJP)

Honorable Judge Marrero:

As the Court knows, I am Plaintiffs' counsel of record in the above referenced matter. A hearing for Wednesday August 13, 2008 at 10 am (*See Doc. # 89*) for the Motion to Seal, to be Relieved as Counsel and for other Relief as related to Florian Lewenstein (*Docs. 86 - 88*).

I have received Mr. Lewenstein's "*Request for Adjournment of August 13, 2008 Hearing*", with attachments. *See 2 pages attached.* Mr. Lewenstein seeks 30 days so he can secure counsel to "*respond to the Motion*" as he is "*not prepared to appear pro se to answer (the) Motion*". I submit Mr. Lewenstein's requested adjournment should be denied for the following reasons:

1. The Court already indicated that Mr. Lewenstein's claims - even if he failed to appear - would be stayed or dismissed without prejudice. *See Doc. # 89.*
2. Mr. Lewenstein is refusing or delaying to return client documents needed for prosecution of this and other cases. Every day without access to the documents, prejudices the clients' claims and the documents should not be held "*hostage*" by Mr. Lewenstein.
3. Mr. Lewenstein has already had more than 30 days (i) to address the need to secure new counsel, (ii) to turn over retainers and (iii) to turn over client documents.

As the evidence shows, from June to the filing of the Motion, I extended Mr. Lewenstein every possible courtesy in this regard. His conduct has placed claims of innocent Plaintiffs at risk.

Therefore, I pray the Court deny Mr. Lewenstein's request for a 30-day adjournment and move forward with the Wednesday August 13, 2008 hearing at 10 am.

As always, thank you for the Court's consideration in this regard.

Respectfully submitted,

Edward D. Fagan

Edward D. Fagan
 EDF/lsf

Attached - 2 page Lewenstein Request for Adjournment

Cc: Hon. Andrew J. Peck - Via Fax

Florian Lewenstein - Via Email

Blanche Greenfield Esq. - For NYC Defendants - By Fax

Charles Moerdler Esq. - For Defendants UFT, Weingarten & Comber - By Fax

BY FAX

IN LIEU ENDORSED 8/11/08
67 adjourned for 8/13 to 8/21 at 9 AM.
Mr. Lewenstein is to appear.

SO ORDERED:

Andrew J. Peck
 Hon. Andrew J. Peck
 United States Magistrate Judge

405 St. 1st fl. Court
in Lewenstein (encl)
J. J. Morrow

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X		
Teachers4Action et al,	:	Docket No.
	:	08-cv-548 (VM)(AJP)
Plaintiffs	:	
	:	
v.	:	
	:	
Bloomberg et al	:	
	:	
Defendants	:	
-----X		

REQUEST FOR ADJOURNMENT OF AUGUST 13, 2008 HEARING ON EDWARD D. FAGAN'S MOTION FOR (i) ORDER SEALING CERTAIN DOCUMENTS, (ii) ORDER RELIEVING EDWARD FAGAN AS COUNSEL FOR PLAINTIFF LEWENSTEIN, (iii) ORDER TO SEVER PLAINTIFF LEWENSTEIN'S CLAIMS, (iv) ORDER DIRECTING PLAINTIFF LEWENSTEIN TO TURN OVER CLIENT DOCUMENTS, AND (v) FOR OTHER JUST AND EQUITABLE RELIEF

Plaintiff Florian Lewenstein hereby declares as follows:

1. I am submitting this request for an adjournment pro se because I have not been able to retain an attorney on short notice to represent my interests at the August 13, 2008 hearing.
2. I was first informed of this hearing by email on August 5, 2008. (see attached)
3. I oppose Mr. Fagan's motion for the above requested relief.
4. I am not prepared to appear pro se to answer Mr. Fagan's motion.
5. I am making good faith efforts to retain an attorney. I have had consultations with several attorneys, and I am continuing my efforts to find an attorney who is available to represent me at this hearing to oppose Mr. Fagan's motion.

WHEREFORE, I respectfully request an adjournment of 30 days to allow me to retain an attorney, and to allow that attorney time to prepare a response in opposition to Mr. Fagan's motion.

DECLARATION PURSUANT TO 28 USC § 1746

I hereby declare, under penalty of perjury, that the foregoing statements are true to the best of my knowledge, information and belief.

A handwritten signature in black ink, appearing to read "Florian Lewenstein". The signature is written in a cursive, flowing style.

Dated: August 8, 2008

Florian Lewenstein

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: August 11, 2008

Total Number of Pages: 4

TO	FAX NUMBER
Edward D. Fagan, Esq.	646-304-6446 or 646-417-5558
Blanche Greenfield, Esq.	212-788-8877
Charles G. Moerdler, Esq.	212-806-2647
Dina Kolker, Esq.	212-806-2606
Alan M. Klinger, Esq.	212-806-7818

TRANSCRIPTION:

MEMO ENDORSED 8/11/08

Conf. adjourned from 8/13 to 8/21 at 9 AM. Mr. Lewenstein is to appear.

**Copies to: Florian Lewenstein (email)
Judge Victor Marrero**